

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 16-334(1) (JNE/KMM)

|                           |   |                    |
|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | ) |                    |
|                           | ) |                    |
| Plaintiff,                | ) |                    |
|                           | ) |                    |
| v.                        | ) | DEFENDANT'S        |
|                           | ) | PROPOSED VOIR DIRE |
|                           | ) |                    |
| PAUL R. HANSMEIER,        | ) |                    |
|                           | ) |                    |
| Defendant.                | ) |                    |

The defendant, Paul R. Hansmeier, by and through his attorney, Manny K. Atwal hereby respectfully requests the Court to inquire of the jury panel the following questions:

**PARTICIPANTS IN CASE**

1. Do you know the defendant, Paul R. Hansmeier?
2. Do you know any of the other prospective jurors?
3. The prosecution is represented by Benjamin F. Langner, David J. MacLaughlin and Brian L. Levine. Do you know anyone from the United States Attorney's Office?
4. Mr. Hansmeier is represented by Manny K. Atwal. Do you know her?
5. Do you know anyone who works for the FBI or the IRS? Do you know Jared Kary or Theodore Miller of the FBI? Do you know John Tschida of the IRS?
6. Do you know or recognize any of the potential witnesses?

(Witness list)

7. You will be hearing testimony from law enforcement personnel and government agents. Do you understand you are not to give their testimony any more weight

than you would the testimony of a “regular” witness?

- a. Would you be inclined to give more weight to the testimony of an FBI or IRS agent than you would to other witnesses?
- b. Would you tend to think the testimony of an FBI or IRS agent must be more believable simply because they are a federal agent?

### **BASIC BACKGROUND**

8. Where do you live?
9. What is your profession or employment? How long?
10. If you have a spouse or partner, what is his/her employment? How long?
11. What is your educational background?
12. Do you have children? If so, their ages, and employment if any.
13. What organizations do you belong to? What do you do in your spare time?
14. Do you have any religious or philosophical convictions which would make it difficult for you to be an absolutely fair and neutral juror in this case?
15. Do you have any mental or physical condition which would make it difficult for you to sit as a juror?
16. Do you use Twitter, Snapchat, Facebook, YouTube, Instagram, or other such social networking sites, or any weblog sites?
17. Have you ever maintained an internet blog? If so, what is the address?

**PREVIOUS JURY SERVICE**

18. Have you ever had any jury experience before?
  - a. If so, on how many juries have you served?
19. Were you a juror on a criminal or civil case?
  - a. Was there a verdict?
20. What kind of case was it?
21. Was it a state or federal case?
22. Was there anything about your previous jury experience that would lead you to feel that you may have some prejudices either for or against the prosecution or the defense?

**PREVIOUS CONTACT WITH LAW ENFORCEMENT**

23. Have you or any relatives, friends, neighbors, or acquaintances ever been involved in law enforcement, such as police officer, deputy sheriffs, federal agents, prosecutors?
  - a. (If so), is there anything about your experience, or your relationship or discussions with these other people that would affect your approach to this case?
24. Have you ever been involved in a Neighborhood Crime Watch program or the like? As part of that program, have you had any contact with the police?
25. Do you believe law enforcement agents are more honest or trustworthy than other people?
26. Would you be more likely to believe the testimony of law enforcement agents simply because he or she is a law enforcement agent?

**LEGAL EXPERIENCE**

- 27. Have you taken any law courses?
- 28. Do you have any legal training?

**EXPERTISE OR BACKGROUND IN COMPUTERS**

- 29. Do you or any member of your family have a background or specialized training in any area of computer forensics?
- 30. Have you taken any computer forensic courses?

**EXPERIENCE WITH THE LEGAL SYSTEM**

- 31. Do you have friends, relatives, neighbors or acquaintances who are paralegals, lawyers, judges or are employed in any other job within the legal profession?
- 32. Do you have any negative thoughts about lawyers?
- 33. Have you ever had a bad experience with a lawyer? If so, describe the experience.
- 34. Have you ever sued anyone else, or have you ever been sued yourself?  
Do you have any negative feelings from the experience?
- 35. Have you ever testified in court?
- 36. Do you believe that you were treated fairly by the lawyers while you were testifying?
- 37. Do you believe that there is anything about that experience with the legal system and attorneys that would make it difficult for you to be a fair and unbiased juror in this case?
- 38. Do you watch any law-related programs on television (factual or fictional programs)? Which ones? Has that created any expectations about what will or should happen in this trial?

**THIS CASE**

- 39. This case involves evidence that Mr. Hansmeier and others produced adult pornography. Do you have a moral objection to adult pornography? Will it make it difficult for you to be a juror on a case where you may hear evidence of adult pornography?
- 40. Have you downloaded music or movies from the internet or music without authorization from the artist or the production company?
- 41. Have you heard or read about this case on the news, newspaper, internet or through social media?

**CRIME IN GENERAL**

- 42. Have you or any friends, relatives, neighbors or acquaintances ever been victims of a crime?
  - a. (If so), would your judgment in this case be affected in any way by that experience?
- 43. Have you or any of your friends, relatives, neighbors or acquaintances ever been accused, investigated, charged with or convicted of a crime?

**FOLLOWING INSTRUCTIONS**

- 44. Will you follow the Court's instructions to the jury strictly, whether you agree or disagree with them?
- 45. The jury will be told not to watch or listen to or read news media about the case until the trial is over, not to use social media to learn about the case and not to talk with anyone about the case, not even to one another, not even to your relatives or close friends, until it retires to deliberation. Would you find it difficult to follow such an instruction for any reason?
- 46. The burden of proof is exclusively on the government and that evidence must show guilt beyond a reasonable doubt or you must find Mr. Hansmeier not guilty. Will you have any difficulty holding the government to that burden of proof? If the government has not met that burden, will you have any difficulty finding Mr. Hansmeier not guilty?

47. As he sits here today, Mr. Hansmeier is “presumed innocent” of the charge against him. Do you have any difficulty presuming that he is innocent?
48. Do you believe that because Mr. Hansmeier has been charged with a crime, he must be guilty of that crime?
49. Do you understand and agree with the principle that in a criminal case the defendant has absolutely no obligation to prove he is innocent or to satisfy any burden of proof?
50. If the defense does not present any witnesses of its own, and if, instead relies solely on the cross-examination of government witnesses to present its side of the case, would that cause you to conclude Mr. Hansmeier is guilty?
51. Do you understand that in a criminal case the defendant has absolutely no obligation to produce any evidence, to prove his innocence, or to testify? Do you have any problem with that? Do you feel that you would want the accused to prove to you that he is not guilty?
52. Do you realize you must reach a verdict strictly upon the evidence produced in the courtroom, or the lack of evidence and you must not let any other influence whatsoever have an impact upon your deliberations?
53. Do you understand that the fact that an Indictment has been filed in this case is no evidence whatsoever of the guilt of the defendant?
54. Do you understand that because an Indictment has been filed, no inference of guilt may be drawn from the accusation?

### **BASIC INQUIRIES**

55. As you sit here now do you have any opinion about this case, or about what the result should be?
56. If selected as a juror on this case, will you base your decision as to whether the government has met its burden of proof upon the evidence presented to you during trial?
57. Is there anything about the character or nature of this case which causes you to have any feelings of prejudice or sympathy one way or the other?

58. Is there anything else the Court should know about you that may impact your ability to be a fair and impartial juror in this case?

Dated: August 14, 2018

Respectfully submitted,

*s/Manny K. Atwal*

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